## **EXHIBIT** G

Deposition of

Kathy O'Kelley

August 25, 2021

Dillard

VS.

City of Springdale



Dillard vs.
Kathy O'Kelley City of Springdale

1	IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF ARKANSAS
2	FOR THE WESTERN DISTRICT OF ARRANSAS  FAYETTEVILLE DIVISION
3	JILL DILLARD, JESSA SEEWALD, JINGER VUOLO, and JOY DUGGAR,
4	Plaintiffs,
5	vs. No. 5:17-CV-05089-TLB
6	CITY OF SPRINGDALE; WASHINGTON COUNTY; KATHY O'KELLEY; ERNEST CATE; RICK HOYT; STEVE ZEGA; BAUER PUBLISHING
7	COMPANY, L.P.; BAUER MAGAZINE, L.P.; BAUER MEDIA GROUP, INC.; BAUER, INC.; HEINRICH BAUER NORTH AMERICA, INC.;
8	BAUER MEDIA GROUP USA, LLC; and DOES 1-10, Inclusive,
9	Defendants.
10	
11	TIDEOCONEEDENCE DEDOCTATON OF KAMIN OLKELLEN
12	VIDEOCONFERENCE DEPOSITION OF KATHY O'KELLEY  TAKEN ON BEHALF OF THE PLAINTIFFS
13	ON AUGUST 25, 2021, BEGINNING AT 10:02 A.M.  ALL PARTIES APPEARING REMOTELY  REPORTED BY KERRI PIANALTO, CCR
14	
15	APPEARANCES:
16	By videoconference on behalf of the PLAINTIFFS
17	Steven E. Bledsoe Nicole J. Kim LARSON, LLP
18	555 South Flower Street, Suite 4400
19	Los Angeles, California 90071 213-436-4888
20	sbledsoe@larsonllp.com
21	Shawn B. Daniels DANIELS LAW FIRM, PLLC
22	129 W. Sunbridge Drive Fayetteville, Arkansas 72703 479-521-7000
23	shawn@danielsfirm.com
24	Job No: 10087125
25	

Dillard vs.
Kathy O'Kelley City of Springdale

1	By videoconference on behalf of the DEFENDANTS CITY OF SPRINGDALE, KATHY O'KELLEY AND ERNEST CATE	
2		
3	Susan Keller Kendall KENDALL LAW FIRM, PLLC 3706 Pinnacle Hills Parkway, Suite 201	
4	Rogers, Arkansas 72758 479-464-9828	
5	skk@kendalllawfirm.com	
6	Thomas N. Kieklak R. Justin Eichmann	
7	Morgan Doughty HARRINGTON, MILLER, KIEKLAK, EICHMANN & BROWN	
8	4710 S. Thompson, Suite 102 Springdale, Arkansas 72764	
9	479-751-6464 tkieklak@arkansaslaw.com	
10	CRIERIAR@AIRAIISASIAW.COM	
11	By videoconference on behalf of the DEFENDANTS WASHINGTON COUNTY, RICK HOYT AND STEVE ZEGA	
12		
13	Jason E. Owens  JASON OWENS LAW FIRM, P.A.  1023 Main Street, Suite 204	
14	Conway, Arkansas 72032 501-764-4334	
15	owens@jowenslawfirm.com	
16	Also present: Ernest Cate	
17	Also present: Ernest Cate	
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Kathy O'Kelley City of Springdale It was in the afternoon of the 20th. 1 Α 2 Let me refer you to Exhibit 7 which we'll have 0 3 put up on the screen. If you will take a moment to review 4 Exhibit 7? It's a one page document, Bates number 5 Springdale0755. Do you see that? (WHEREUPON, Exhibit 7 was marked for 6 identification.) 7 Could I point out something to you regarding the 8 Α 9 FOI request? 10 Absolutely. Q Sure. In the section where you were reading regarding 11 Α 12 the incident reported by Darrell Hignite in 2008, if you 13 come on to the next sentence, it's interesting to me as it 14 says that, "Present statute and case law pertaining to the 15 Arkansas FOIA, such records are available for me and other members of the public. They are not exempt from required 16 17 disclosure under the present interpretation of the act and it is believed that the attorney general would concur with 18 19 this release." I just wanted to point that out. 20 And why do you think that's significant that the 0 21 lawyer for the Cross Gunter law firm put that in there? 22 I don't know why they put it in there. 23 asked me to review Springdale0755? 24 0 No, I want to go back -- let's go back to 25 Exhibit 1 for now. You brought something up I want to ask

Dillard vs.

Kathy O'Kelley

1 I don't believe so. Α 2 0 Is your -- is it your belief sitting here today 3 that the offense report was subject to release under 4 Arkansas law pursuant to the FOIA statute? 5 MS. KENDALL: Objection, form, and calls for a legal conclusion. The witness may answer if she can. 6 Ι 7 am going to instruct the witness not to answer to the extent that her answer would disclose information that's 8 9 been provided to her by legal counsel. You can answer 10 unless it will disclose information that you have 11 discussed with your attorneys. 12 Α I'm confused at this point. 13 (BY MR. BLEDSOE) Is it your understanding as 14 you sit here today that the offense report was subject to 15 disclosure under the Arkansas FOIA law? MS. KENDALL: Same objections and same 16 17 instruction. Chief, you can answer the question unless doing so would disclose information gained from 18 19 conversations with your attorneys. 20 Α That's all been advice of legal counsel. 21 Q (BY MR. BLEDSOE) Was it important to you that 22 -- withdrawn. 23 Did you read Mr. Abtin's letter to you when you 24 received it -- or withdrawn. 25 Let me ask a better question. On May 20th when

Dillard vs.

City of Springdale

Dillard vs.
Kathy O'Kelley City of Springdale

1	CERTIFICATE	
2		
3	I, Kerri Pianalto, Certified Court Reporter, do hereby certify that the above-named KATHY O'KELLEY was by me	
4	first duly sworn to testify the truth, the whole truth, and	
5	nothing but the truth, in the case aforesaid; that the above and foregoing deposition was by me taken and transcribed	
6	pursuant to agreement, and under the stipulations	
7	hereinbefore set out; and that I am not an attorney for	
8	nor relative of any of said parties or otherwise	
9	interested in the event of said action.	
10	IN WITNESS WHEREOF, I have hereunto set my hand	
11	and official seal this 31st day of August, 2021.	
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19	Hurri Pravalto	
20	KERRI PIANALTO, CCR	
21	State of Arkansas, No. 651	
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